

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

ZYMERGEN INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-11661 (KBO)

(Jointly Administered)

**AMENDED<sup>2</sup> NOTICE OF AGENDA FOR HEARING SCHEDULED FOR  
FEBRUARY 5, 2024, AT 10:00 A.M. (EASTERN TIME)**

This proceeding will be conducted in-person. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Owens's Chambers Procedures (<https://www.deb.uscourts.gov/content/judge-karen-b-owens>) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Owens's expectations of remote participants, and advance registration requirements.

Registration is required by 4:00 p.m. (Eastern time) the business day before the hearing unless otherwise noticed using the [eCourtAppearances](#) tool available on the Court's website.

Topic: Zymergen Inc., et al.  
Time: February 5, 2024, at 10:00 a.m. (Eastern Time)

**RESOLVED MATTERS**

1. Debtors' Motion for Entry of an Order Extending the Exclusive Periods During Which Only the Debtors May File a Chapter 11 Plan and Solicit Acceptances ([D.I. 325](#), filed 1/22/24).

Response Deadline: January 29, 2024, at 4:00 p.m. (ET).

Responses Received: None.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the Debtors' federal tax identification numbers, are Zymergen Inc. (2439), Lodo Therapeutics Corporation (8730), enEvolv, Inc. (2402), and Genesis Acquisition Sub, LLC (3640). The mailing address for the Debtors is 1440 Stanford Ave., Emeryville, California 94608.

<sup>2</sup> **Amended items appear in bold.**

Related Documents:

- a) Certificate of No Objection Regarding Debtors' Motion for Entry of an Order Extending the Exclusive Periods During Which Only the Debtors May File a Chapter 11 Plan and Solicit Acceptances ([D.I. 340](#), filed 1/30/24); and
- b) Order Extending the Exclusive Periods During Which Only the Debtors May File a Chapter 11 Plan and Solicit Acceptances ([D.I. 347](#), entered 1/31/24).

Status: An order has been entered. A hearing on this matter is not necessary.

- 2. Debtors' Motion for Entry of an Order, Pursuant to 11 U.S.C. § 365(d)(4), Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property ([D.I. 326](#), filed 1/22/24).

Response Deadline: January 29, 2024, at 4:00 p.m. (ET).

Responses Received: None.

Related Documents:

- a) Certificate of No Objection Regarding Debtors' Motion for Entry of an Order, Pursuant to 11 U.S.C. § 365(d)(4), Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property ([D.I. 341](#), filed 1/30/24); and
- b) Order Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property ([D.I. 348](#), entered 1/31/24).

Status: An order has been entered. A hearing on this matter is not necessary.

**MATTER GOING FORWARD**

- 3. Joint Chapter 11 Plan of Liquidation ([D.I. 27](#), filed 10/4/23).

Response Deadline: January 24, 2024, at 4:00 p.m. (ET); extended through January 26, 2024, at 4:00 p.m. (ET) for the underwriters of the Zymergen Inc. Initial Public Offering (the "IPO Underwriters"); extended through January 29, 2024, at 4:00 p.m. (ET) for the Securities and Exchange Commission (the "SEC").

Responses Received:

- a) Informal comments received from the IPO Underwriters;
- b) Informal comments received from the SEC;

- c) Informal comments received from the Office of the United States Trustee (the “U.S. Trustee”);
- d) Informal comments received from the Securities Litigation Class Representative;
- e) Limited Objection of Lighthouse Document Technologies, Inc. in Response to Notice of Filing of Plan Supplement to Debtors’ First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 330](#), filed 1/24/24); and
- f) Oracle’s Continuing Objection to and Reservation of Rights Regarding: (1) Debtors’ First Amended Joint Chapter 11 Plan of Liquidation; and (2) Notice of Filing of Closing Assigned Contracts; and Oracle’s Request for Cure Hearing ([D.I. 332](#), filed 1/26/23).

Related Documents:

- a) Disclosure Statement for Joint Chapter 11 Plan of Liquidation ([D.I. 28](#), filed 10/4/23);
- b) Debtors’ Motion for Entry of an Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballot and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 208](#), filed 11/28/23);
- c) Notice of Filing of Debtors’ First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 266](#), filed 12/18/23);
- d) Notice of Filing of Disclosure Statement for First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 267](#), filed 12/18/23);
- e) Notice of Filing of Revised Proposed Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballot and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 268](#), filed 12/18/23);
- f) Certification of Counsel Regarding Debtors’ Motion for Entry of an Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballot and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 276](#), filed 12/20/23);

- g) Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballot and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 277](#), entered 12/20/23);
- h) Disclosure Statement for First Amended Joint Chapter 11 Plan of Liquidation [Solicitation Version] ([D.I. 281](#), filed 12/20/23);
- i) Notice of (I) Approval of Disclosure Statement, (II) Deadline for Casting Votes to Accept or Reject the Plan, and (III) the Hearing to Consider Confirmation of the Plan ([D.I. 284](#), filed 12/21/23);
- j) Notice of Rescheduled Confirmation Hearing ([D.I. 303](#), filed 1/3/24);
- k) Notice of Filing of Plan Supplement to Debtors' First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 319](#), filed 1/17/24);
- l) Declaration of Emily Young of Epiq Corporate Restructuring LLC Regarding the Solicitation of Votes and Tabulation of Ballots Cast on the First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 343](#), 1/31/24);
- m) Declaration of Ivona Smith in Support of Confirmation of the Debtors' First Amended Chapter 11 Plan of Liquidation ([D.I. 353](#), filed 2/1/24);**
- n) Debtors' Memorandum of Law in Support of Confirmation of the First Amended Chapter 11 Plan of Liquidation ([D.I. 354](#), filed 2/1/24);**
- o) Notice of Filing of Proposed Findings of Fact, Conclusions of Law, and Order Confirming the Debtors' First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 361](#), filed 2/1/2024);**
- p) Notice of Filing of Revised Exhibit to Plan Supplement ([D.I. 365](#), filed 2/2/24); and**
- q) Notice of Filing of Revised Proposed Findings of Fact, Conclusions of Law, and Order Confirming the Debtors' First Amended Joint Chapter 11 Plan of Liquidation ([D.I. 367](#), filed 2/4/2024).**

**Status:** The Debtors have resolved all informal comments (a) through (d) and objection (e). The Debtors have reached a resolution of response (f) and are working to document same. Responses (e) and (f) will not go forward at the hearing. The Debtors intend to present the testimony of Ivona Smith and Emily Young by declaration.

Dated: February 4, 2024  
Wilmington, Delaware

Respectfully submitted,

/s/ Sophie Rogers Churchill

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

Derek C. Abbott (No. 3376)

Curtis S. Miller (No. 4583)

Matthew O. Talmo (No. 6333)

Sophie Rogers Churchill (No. 6905)

Austin T. Park (No. 7247)

1201 Market Street, 16th Floor

Wilmington, Delaware 19801

Telephone: (302) 658-9200

Facsimile: (302) 658-3989

Email: dabbott@morrisnichols.com

cmiller@morrisnichols.com

mtalmo@morrisnichols.com

srchurchill@morrisnichols.com

apark@morrisnichols.com

*Counsel to the Debtors and Debtors in Possession*